



CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D. C. 20505

OFFICE OF THE DIRECTOR

30 SEP 1971

The Honorable William S. Moorhead  
Chairman, Foreign Operations and  
Government Information Subcommittee  
Committee on Government Operations  
Washington, D. C. 20515

My dear Mr. Chairman:

This is in reply to your 17 August request for information relating to the study of the effectiveness of 5 U. S. C. 552 dealing with public information.

Our response to your questionnaire and copies of the requested documents are enclosed.

You have also asked for a comment on the general effect of 5 U. S. C. 552 upon the information operations of this Agency. There has been no appreciable effect since almost all records of this Agency are exempted from public inspection under 5 U. S. C. 552 (e. g., "...specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy...." and "...specifically exempted from disclosure by statute...." [5 U. S. C. 552 (b)(1) and (3)]).

Our response to public inquiries are affected not only by the specific exemptions granted under 5 U. S. C. 552, but other applicable provisions of law as well.

The National Security Act of 1947, as amended, provides: "... That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;...." (50 U. S. C. 401).

The Central Intelligence Agency Act of 1949, as amended, provides: "SEC. 6. In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 403 (d)(3) of this title that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of section 654 of Title 5, and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency: Provided, That in furtherance of this section, the Director of the Bureau of the Budget shall make no reports to the Congress in connection with the Agency under section 947 (b) of Title 5."

These provisions of law require that the Agency refrain from commenting on specific Agency activities.

Please let us know if we can be of any further assistance.

Sincerely,



Richard Helms  
Director

Enclosures

Response to Questionnaire from House Foreign Operations  
And Government Information Subcommittee Concerning  
Information Operations Under 5 U. S. C. 552 and E. O. 10501

1. Between 4 July 1967 and 4 July 1971 the Agency has received two formal requests for access to records under 5 U. S. C. 552.
  - a. Access was granted in one case.
  - b. Access was refused in one case.
  - c. In no case was access granted in part and refused in part.
  - d. No case is now pending.
2. As requested, the following information is submitted on the one case in which access was refused:
  - a. The request of Mr. Mark A. Stuart, City Editor, The Call, 33 Church Street, Paterson, New Jersey 07590, in a letter dated 22 July 1967 was received on 26 July.
  - b. Access was initially refused on 27 July 1967.
  - c. The basis for the refusal was 5 U. S. C. 552 (b)(3).
  - d. An administrative appeal was filed against the initial refusal on 31 July 1967.
  - e. The Agency's action upon the appeal was taken 8 August 1967 by the Executive Director, Central Intelligence Agency.
  - f. The Department of Justice was not consulted on this case as final action was taken more than two years prior to the Department of Justice's memorandum of 8 December 1969 to General Counsels of all agencies.

3. To our knowledge, no court action has been initiated under 5 U. S. C. 552 in connection with an Agency refusal to grant access to records.
4. Documents with control markings such as "Administrative-Internal Use Only" or "For Official Use Only" are not normally made available outside the Government. "Administrative-Internal Use Only" is used to identify unclassified, nonsensitive administrative information which should not be disseminated outside this Agency. "For Official Use Only" is used to identify intelligence information not warranting a defense classification but requiring dissemination limitation.
5. Questions 5, 6, and 7 ask that we provide the number of Agency personnel authorized to classify material under Executive Order 10501 and the name and title of the individuals authorized to classify material Top Secret. Section 6 of the Central Intelligence Agency Act of 1949, as amended, exempts the Agency from provisions of law requiring publication or disclosure of names, official titles, or numbers of Agency personnel.

Excerpt From Agency Regulations

RELEASE OF CIA INFORMATION TO THE PUBLIC -

GENERAL. The purpose of this paragraph is to set out the procedures for releasing information to the public pursuant to the requirements of Public Law 90-23, commonly known as the Freedom of Information Act. The Act requires all Government agencies to make certain categories of information available to the public; it also exempts certain categories. The exemptions of the Act which apply to the Agency relate primarily to classified information. Accordingly, employees are advised to be knowledgeable of the distinction between classification, which will cause information to be exempt, and the use of "control markings," which by themselves will not.

HANDLING OF REQUESTS AND APPROVAL. All public requests for information from the Agency are to be handled and approved or disapproved by the Assistant to the Director of Central Intelligence. As required by the Act the Agency has published a notice in the Federal Register informing the public of the procedures for requesting Agency information.

EXCEPTIONS

(1) The Act exempts information that is:

- (a) Specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy. (This exemption includes all information classified TOP SECRET, SECRET, or CONFIDENTIAL under Executive Order 10501, dated 1953. It does NOT include information marked "Administrative-Internal Use Only," or "For Official Use Only.")
- (b) Related solely to the internal personnel rules and practices of an agency.
- (c) Exempted specifically from disclosure by statute. (Under Section 6 of the CIA Act of 1949, this exception includes any information concerning the organization or function of the Agency and the names, official titles, salaries, and number of Agency personnel.)

- (d) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.
- (e) Identified as:
  - (1) Trade secrets or commercial or financial information obtained from a person, which information is privileged or confidential;
  - (2) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the agency concerned;
  - (3) Personnel, medical, or similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
  - (4) Investigatory files compiled for law enforcement purposes, except the the extent available by law to a private party; or
  - (5) Geological or geophysical data or information, including maps, which concerns wells.
- (2) The Agency will not normally provide documents prepared from materials collected for intelligence purposes from sources which retain a proprietary interest in the materials (e. g., commercial photographs).

Excerpt From Agency Regulations

Executive Order 10501, Safeguarding Official Information in the Interests of the Defense of the United States, as amended, has been fully incorporated into internal Agency regulations which are classified. The basic policy for handling information to protect intelligence sources and methods from unauthorized disclosure follows:

"PROTECTED INFORMATION. The problem of determining what information relates to the protection of intelligence sources and methods is of such complexity that no final determination can be made in regard to any single piece of information within the Agency or the other intelligence components except at the Director's level. Under his responsibility for protection of such information there have been established overall policies and detailed procedures for the appropriate dissemination of information and for its protection in the executive branch of the Government. Every request for information outside of the system designed to serve the executive branch becomes a special problem requiring specific determination by or on behalf of the Director. Therefore, all files, documents, records, and information (whether or not reduced to writing) in the offices of the Central Intelligence Agency, including the several field offices, or acquired by any person as a result of service with or on behalf of the Agency, are to be regarded in the first instance as protected information."

for a hearing, and any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this issuance, see the application dated July 12, 1967, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 13th day of July, 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,  
Division of Reactor Licensing.

[License No. DPR-14; Amdt. 1]

The Atomic Energy Commission having found that:

a. The application for license amendment dated July 12, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Facility License No. DPR-14 is hereby amended by restating subparagraph 2.B., in its entirety, to read as follows:

"2.B. To receive, possess, and use at any one time 6,550 kilograms of contained uranium-235 in connection with operation of the facility pursuant to the Act and Title 10 CFR, Part 70, 'Special Nuclear Material'."

This amendment is effective as of the date of issuance.

Date of issuance: July 13, 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,  
Division of Reactor Licensing.

[F.R. Doc. 67-8445; Filed, July 20, 1967;  
8:45 a.m.]

## CENTRAL INTELLIGENCE AGENCY PUBLIC ACCESS TO RECORDS

### Procedures

1. *Purpose.* Pursuant to the requirements of the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552), the following are established as the rules of procedure with respect to public access to the records of the Central Intelligence Agency.

2. *Organization and requests for information.* The headquarters of the Central Intelligence Agency is located in Fairfax County, Va. Requests for information and decisions and other submittals may be addressed to the Assistant

to the Director, Central Intelligence Agency, Washington, D.C. 20505.

3. *Procedures for request of records.* (a) Requests for access to records of the Central Intelligence Agency may be filed by mail addressed to the Assistant to the Director, Central Intelligence Agency, Washington, D.C. 20505.

(b) Requests need not be made on any special form but may be by letter or other written statement setting forth the pertinent facts with enough specificity that the requested record can be identified.

(c) If the request does not sufficiently identify the record, the Assistant to the Director shall so inform the requestor who may then resubmit his request together with any additional information which will help to identify it.

(d) When the requested record has been identified the Agency will determine whether it is exempt from public inspection under the provisions of 5 U.S.C. 552(b). If it is exempt, the Assistant to the Director shall deny the request.

(e) If the Agency determines that the requested record is not subject to exemption, the Assistant to the Director will inform the requestor as to the appropriate reproduction fee and upon receipt of this fee, will have the record reproduced and sent to the requestor. Fees paid in accordance with this paragraph will be paid by check or postal money order forwarded to the Assistant to the Director and made payable to the Treasurer of the United States.

4. *Appeals.* Any person aggrieved by any determination made or action taken pursuant to the foregoing provisions of this notice may request the Executive Director of the Agency to review that determination or action. No specific form is prescribed for this purpose and a letter or other written statement setting forth pertinent facts shall be sufficient. The Executive Director reserves the right to require the person involved to present additional information in support of his request for review. The Executive Director will promptly consider each such request and notify the person involved of his decision.

5. *Effective date.* This notice shall become effective upon its publication in the FEDERAL REGISTER.

L. K. WHITE,  
Executive Director,  
Central Intelligence Agency.

[F.R. Doc. 67-8446; Filed, July 20, 1967;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 17436]

### ALLEGHENY AIRLINES ROUTE 97 INVESTIGATION

#### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 15, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Wash-

ington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on May 8, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 14, 1967.

[SEAL] MILTON H. SHAPIRO,  
Hearing Examiner.

[F.R. Doc. 67-8471; Filed, July 20, 1967;  
8:47 a.m.]

[Docket No. 18595]

### ALM DUTCH ANTILLEAN AIRLINES Notice of Postponement of Hearing

Notice is given herewith, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled proceeding heretofore assigned to be held on July 26, 1967, is hereby postponed and is now assigned to be held on August 9, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., July 18, 1967.

[SEAL] RICHARD A. WALSH,  
Hearing Examiner.

[F.R. Doc. 67-8472; Filed, July 20, 1967;  
8:47 a.m.]

[Docket No. 19655; Order No. E-25423]

### EASTERN AIR LINES, INC., ET AL.

#### Order Regarding Reservations Practices and Procedures in East Coast-Florida Market

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of July, 1967.

Agreement adopted by Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., relating to reservations practices and procedures in the East Coast-Florida Market, Docket 18554, Agreement C.A.B. 19655, as amended.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which establishes ticketing time limits in certain East Coast Markets<sup>1</sup> in an effort to alleviate reservation problems during peak holiday periods.<sup>2</sup>

<sup>1</sup> Between Fort Lauderdale, Fort Myers, Key West, Miami, Sarasota/Bradenton, Tampa/St. Petersburg, and West Palm Beach on the one hand, and, Baltimore, Boston, Hartford/Springfield, New Haven, New York/Newark, Philadelphia, Providence, Washington, D.C., and Wilmington on the other hand.

<sup>2</sup> Southbound from Dec. 15, through Dec. 26, 1967, and northbound from Dec. 30, 1967 through Jan. 7, 1968.